

REMARKS

The Examiner has rejected claim 1 under 35 USC 112, first paragraph, as failure to comply with written description requirement. The Examiner alleges that the claim contains subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors at the time of the application was filed. Specifically, the Examiner has stated that the concave surface subtending the aperture and the concave and convex surfaces having equal radii are not supported by the original disclosure.

The Applicants respectfully traverse this rejection and point the Examiner's attention to the fact that Figures 2 and 3 are in cross section and accordingly show the profiles of the convex and concave surfaces. Since these features are clearly shown in the drawings which are part of the original specification, support is provided for the claim and the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 USC 112, first paragraph.

Additionally, claim 1 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Gerondale in view of Baudin.

Claim 1 presently defines concave and convex surfaces having equal radii for enabling a sealed rotational engagement with one another. Clearly, this structure is not taught by Gerondale as acknowledge by the Examiner. Further reliance on Baudin to teach this structure is not

well founded in view of the fact that the hinge nature of the Baudin cap prevents rotational sealed engagement.

Thus, the combination of Gerondale and Baudin would not result in an operable device. Accordingly, under these circumstances, a combination of the references is improper. *Ex parte Hartmann*, 186 USPQ 366, 367 (PTO Board of Appeals 1974); *Ex parte Sternau*, 155 USPQ 733, 755 (PTO Board of Appeals 1967).

In view of the lack of teachings of Gerondale and Baudin, the Applicants submit that a prima facie case of obviousness has not been made and respectfully requests withdrawal of the rejection of claim 1 under 35 USC 103(a).

Amendment to claim 1 has been made to correct for a typographical error and to place the claim in condition for appeal.

Respectfully submitted,

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